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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,029	03/05/2002	Richard F. Pedersen	4232P2394	3874

23504 7590 09/23/2004

WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER

REIS, TRAVIS M

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/090,029	PEDERSEN, RICHARD F.	
	Examiner	Art Unit	
	Travis M Reis	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities:

In line 14, "is" should be ---in---.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder (U.S. Patent 6511112) in view of Dawson (U.S. Patent 5379524) & Tate (U.S. Patent App. Pub. 2001/0016526).

Schroeder discloses a method for retrieving metallic objects from a distance comprising, in combination, the steps of providing a tape measure (24) comprising an extendable tape (30) located within a casing (28) having at least one metal side (col. 3 lines 32-33), said tape having a tab (58) coupled to an end (64) of said tape; providing an attachable and detachable magnet (38) having a tab coupling side (62) for attaching to the tab of said tape and a metal attracting side (42) to provide ease in use of said magnet to attach to said tape, said metal attracting side of said magnet having sufficient attractive force to retain metal objects (22) in a fixed position relative thereto when said metal objects are brought into proximity with said attracting side of said magnet and securely (Abstract) (Figure 1); attaching said magnet to said tape (Figures 5 & 6) and extending said end of said tape with said magnet attached thereto to bring said magnet into proximity with at least one metal

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object in a fixed position relative thereto (Figure 1), retracting said end of said tape to fetch said metal object to said casing of said tape measure to facilitate both retrieval of said metal object and removal of said metal object from said end of said tape; and removing said magnet from said end of said tape (col. 2 lines 24-34).

Schroeder does not disclose said tape measure is spring-loaded.

Dawson discloses a versatile tape measure tool (10) which is spring loaded (col. 2 lines 10-11). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the spring disclosed by Dawson to the tape measure disclosed by Schroeder in order that the tape return & retrieval would be faster than manually winding.

Schroeder does not disclose explicitly that said metal attracting side is for securely and reliably attaching said magnet to said metal side of the casing when said magnet is not attached to said tape to prevent loss of said magnet and placing said magnet with its metal attracting side in secure contact with said metal side of said casing to store said magnet for facilitating subsequent use thereof.

Tate discloses a golf contest badge with a metal side (28) attached to a housing (21), for securely and reliably attaching a magnet (110) to said metal side when said magnet is not in use, in order to be convenient and extremely accessible. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to use the teaching of securely and reliably attaching a component to the sidewall of the casing as taught by Dawson in the use of the magnet disclosed by Schroeder in order that the magnet is convenient and extremely accessible and not lost within a pocket.

Response to Arguments

4. Applicant's arguments with respect to claim 12 have been considered but are moot in

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view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

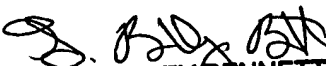
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis
Examiner
Art Unit 2859


G. BRADLEY BENNETT
PRIMARY EXAMINER
AU 2859

Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

tmr
September 17, 2004